

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 15-CR-4274 JB

MARCO HOLGUIN,

Defendant.

**UNOPPOSED MOTION OF MARCO HOLGUIN TO CONTINUE TRIAL AND EXTEND  
MOTION DEADLINE**

Defendant Marco Holguin, pursuant to LR-CR 47.5 and 18 U.S.C. § 3161, through undersigned counsel, respectfully requests that the Court continue the trial for at least thirty days and extend the motion deadline for at least thirty days. In support of this motion, counsel states:

1. On December 1, 2015, a grand jury indicted Mr. Holguin on one count of distributing methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A) and one count of distributing methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). (Indictment, Doc. 2, 12/1/15.)

2. At Mr. Holguin's arraignment on December 8, 2015, the Court set a pretrial motions deadline of December 28, 2015.

3. Trial is scheduled for January 19, 2016.

4. The government has produced some discovery.

5. The current trial date is unworkable for the parties. The parties are exploring the possibility of resolving this case without a trial. Counsel will be unable to complete plea negotiations before January 19, 2016. Should plea negotiations fail, undersigned counsel will need time to draft motions, and both parties will need time to prepare for trial.

6. Continuing the trial for thirty days and extending the motion deadline for thirty days

should allow the parties to complete plea negotiations and, if those negotiations fail, prepare for trial.

7. Mr. Holguin is in custody.

8. Assistant U.S. Attorney Shana Long has informed undersigned counsel that the United States does not oppose this motion.

9. Pursuant to 18 U.S.C. §3161(h)(7)(A), if the Court grants the motion and continues the trial for the time requested, the parties agree that all of the time between the entry of the order and the next trial setting will be excluded for purposes of the Speedy Trial Act because the need for additional time to complete plea negotiations, draft motions, and prepare for trial outweighs the interest of the public and the defendant in a speedy trial and because the ends of justice will be best served by granting the motion.

For these reasons, Mr. Holguin respectfully requests that the Court enter an order continuing the trial for at least thirty days and extending the motion deadline for at least thirty days.

Respectfully submitted,

s/ Zachary A. Ives  
Zachary A. Ives  
GARCIA IVES NOWARA  
924 Second Street NW, Suite A  
Albuquerque, NM 87102  
phone 505.899.1030  
fax 505.890.1051  
[zach@ginlawfirm.com](mailto:zach@ginlawfirm.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2016, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

s/ Zachary A. Ives  
Zachary A. Ives